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**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Redevelopment of Spectrum to	)	ET Docket No. 92-9
Encourage Innovation in the	)	
Use of New Telecommunications	)	RM-7981
Technologies	)	RM-8004

**COMMENTS OF TELOCATOR ON PETITIONS FOR RECONSIDERATION**

Telocator, the Personal Communications Industry Association, hereby files its comments on Petitions for Reconsideration of the above-captioned Third Report and Order<sup>1</sup> requesting expansion of the class of public safety microwave licensees that are exempt from mandatory relocation out of the Emerging Technologies spectrum.<sup>2</sup> Notwithstanding the importance of the services provided by these additional systems, Telocator submits that the Commission has already struck the appropriate balance between the legitimate interests of public safety and other incumbent microwave licensees, providers of Personal Communications Services

<sup>1</sup> New Technologies, Third Report and Order and Memorandum Opinion and Order, ET Docket No. 92-9, at 1 (July 15, 1993) ("Third Report").

<sup>2</sup> Petitions addressing this issue were filed by the American Association of State Highway and Transportation Officials; Association of Public-Safety Communications Officials-International, Inc.; Forestry-Conservation Communications Association; and Public Safety Communications Council; Public Safety Microwave Committee.

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("PCS") and the public in expeditious availability of these important new offerings. Accordingly, reconsideration is not warranted.

## I. INTRODUCTION

In its Third Report and Order, the Commission adopted rules that provide for the introduction of new technologies into the 2GHz spectrum together with comprehensive protections for the existing fixed microwave services that are currently using these frequencies. To allow for full deployment of PCS, these fixed microwave systems must be relocated from the band to other frequencies. In turn, relocating licensees are guaranteed the provision of comparable alternative facilities and full cost compensation for the move.<sup>3</sup>

However, the Commission has exempted "public safety" systems from involuntary relocation because of:

the economic and extraordinary procedural burdens, such as requirements for studies and multiple levels of approvals, that are often necessary to make changes in public safety systems as well as the unique importance of communications involved in the provision of police, fire, and emergency medical services.<sup>4</sup>

This exemption applies only to those facilities that are directly involved in the provision of critical police, fire,

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<sup>3</sup> Third Report at 19-21.

<sup>4</sup> Id. at 22.

or emergency medical services operations involving the safety of life and property.<sup>5</sup> Other microwave systems that may have safety-related applications must make a special showing to justify a relocation exemption.<sup>6</sup>

Several petitioners now recommend that the FCC expand the number of microwave licensees that are exempt from involuntary relocation. These petitioners seek to include other microwave systems, such as those providing forestry-conservation, local government, and highway maintenance radio services, in the exempt public safety category. They argue that these microwave links provide important safety related functions that merit equal treatment with other safety systems. As a result, petitioners contend that they should not be required to make a special demonstration to avoid forced relocation.<sup>7</sup>

## **II. TELOCATOR SUPPORTS THE FCC'S EXISTING RULES**

Although Telocator recognizes the importance of the services provided by petitioners' microwave systems, it cannot support a further expansion of the relocation exemption. Grant of the requested relief inevitably will delay the introduction of new and beneficial PCS technologies

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<sup>5</sup> Id. at 22.

<sup>6</sup> Id. at 22.

<sup>7</sup> See id. at 21.

by reducing the amount of available spectrum or protracting negotiations and increasing the costs of moves through the necessity of "premiums" to encourage voluntary relocations. This cannot be justified where all relocating microwave links -- including petitioners' -- remain fully protected under the Commission's rules.

Any PCS provider who requires the relocation of a microwave link must supply the existing licensee with comparable facilities and absorb all costs that may be involved in the relocation.<sup>8</sup> Thus, although petitioners may be required to move their systems to other spectrum, they are assured that they will be provided with satisfactory new microwave or alternative systems, an opportunity to test those systems for adequacy, and reimbursement of their relocation expenses. Because of these requirements, petitioners can be assured that their important services will not suffer degradation or disruption.<sup>9</sup> Consequently, an exemption from relocation is unnecessary.

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<sup>8</sup> Id. at 19-20.

<sup>9</sup> Third Report at 19-20. Moreover, the opportunity for any licensee to make a special demonstration of need to avoid relocation establishes a safety net for any system that provides important safety services and faces unique relocation problems.

### III. CONCLUSION

Telocator supports the policies adopted by the FCC in the Third Report and Order and urges the Commission not to expand the current exemption for public safety licensees. The existing rules exempt from relocation only essential safety service providers, but also ensure that the users of non-exempt systems are fully protected. At the same time, those rules facilitate the prompt realization of the public benefits expected from the deployment of new PCS technologies. This balanced approach serves the public interest and should not be disturbed.

Respectfully submitted,

TELOCATOR, THE PERSONAL  
COMMUNICATIONS INDUSTRY  
ASSOCIATION

By:



Thomas A. Stroup  
Mark Golden  
TELOCATOR  
1019 19th Street, N.W.  
Suite 1100  
Washington, D.C. 20036  
(202) 467-4770

November 8, 1993

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November, 1993,  
I caused copies of the foregoing "Comments of Telocator on  
Petitions for Reconsideration" to be mailed via first-class  
postage prepaid mail to the following:

Christopher R. Hardy  
Comsearch  
11720 Sunrise Valley Drive  
Reston, VA 22091

Richard H. Strodel  
Haley, Bader & Potts  
Suite 900  
4350 North Fairfax Drive  
Arlington, VA 22203-1633

Francis B. Francois  
American Association of  
State Highway and  
Transportation Officials  
444 N. Capitol St., N.W.  
Suite 249  
Washington, D.C. 20001

Thomas J. Keller  
Michael S. Wroblewski  
Verner, Liipfert, Bernhard, et al.  
901 15th Street, N.W.  
Suite 700  
Washington, D.C. 20005

James F. Lovette  
Apple Computer, Inc.  
One Infinite Loop  
MS 301-4J  
Cupertino, CA 95014

Henry Goldberg  
Goldberg, Godles, Wiener & Wright  
1229 19th Street, N.W.  
Washington, D.C. 20036

Jeffrey I. Sheldon  
Sean A. Stokes  
Utilities Telecommunications  
Council  
1140 Connecticut Ave., N.W.  
Suite 1140  
Washington, D.C. 20036

Jeffrey Goff  
Missouri Dept. of Conservation  
P.O. Box 280  
Jefferson City, MO 65102

John D. Lane  
Robert M. Gurss  
Wilkes, Artis, Hedrick & Lane  
1666 K Street, N.W.  
Washington, D.C. 20006

Larry A. Miller  
Public Safety Communications  
Council  
444 N. Capitol Street, N.W.  
Suite 249  
Washington, D.C. 20001

Lon C. Levin  
AMSC Subsidiary Corporation  
10802 Parkridge Boulevard  
Reston, VA 22091

Bruce D. Jacobs  
Glenn S. Richards  
Fisher, Wayland, Cooper & Leader  
1255 23rd St., N.W., Suite 800  
Washington, D.C. 20037

Leonard Robert Raish  
Fletcher, Heald & Hildreth  
1300 North 17th Street  
11th Floor  
Rosslyn, VA 22209

David Means, Chief  
Federal Communications Commission  
FCC Laboratory  
Authorization and Evaluation Division  
7435 Oakland Mills Road  
Columbia, MD 21046

Julius Knapp, Chief  
Federal Communications Commission  
FCC Laboratory  
Authorization and Evaluation Division  
7435 Oakland Mills Road  
Columbia, MD 21046

David R. Siddall  
Federal Communications Commission  
2025 M Street, N.W.  
Room 7120  
Washington, D.C. 20554

Robert Bromery  
Deputy Chief  
Federal Communications Commission  
2025 M Street, N.W.  
Room 7118  
Washington, D.C. 20554

Richard Engelman  
Federal Communications Commission  
2025 M Street, N.W.  
Room 7122  
Washington, D.C. 20554

International Transcription Services  
2100 M Street, N.W.  
Suite 140  
Washington, D.C. 20037



Carol J. Scanlan